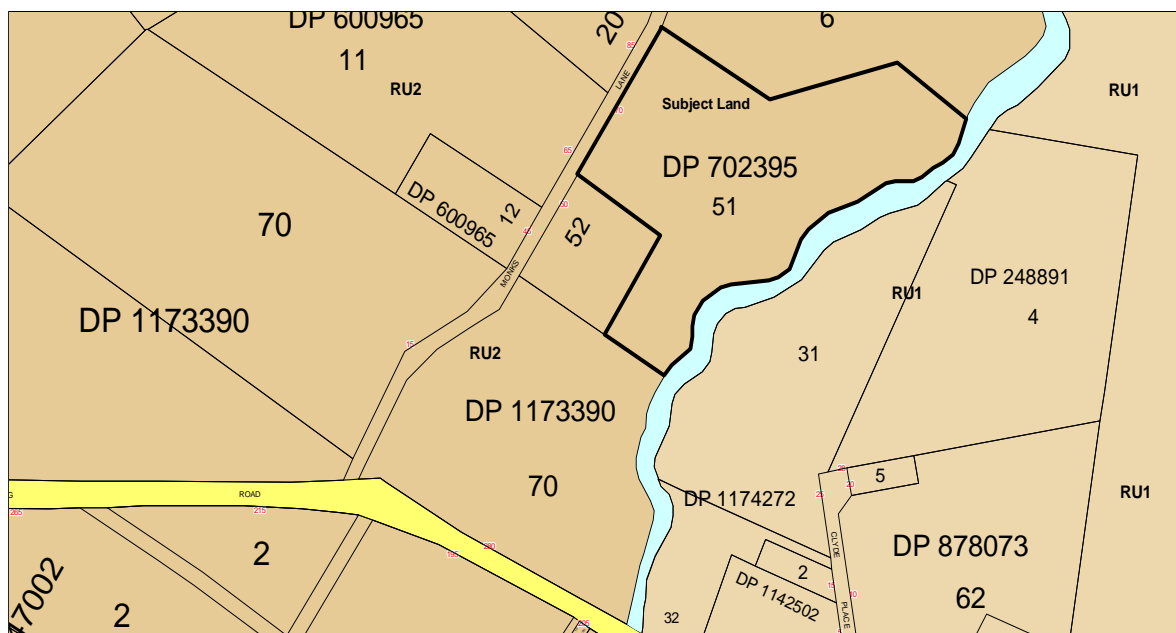


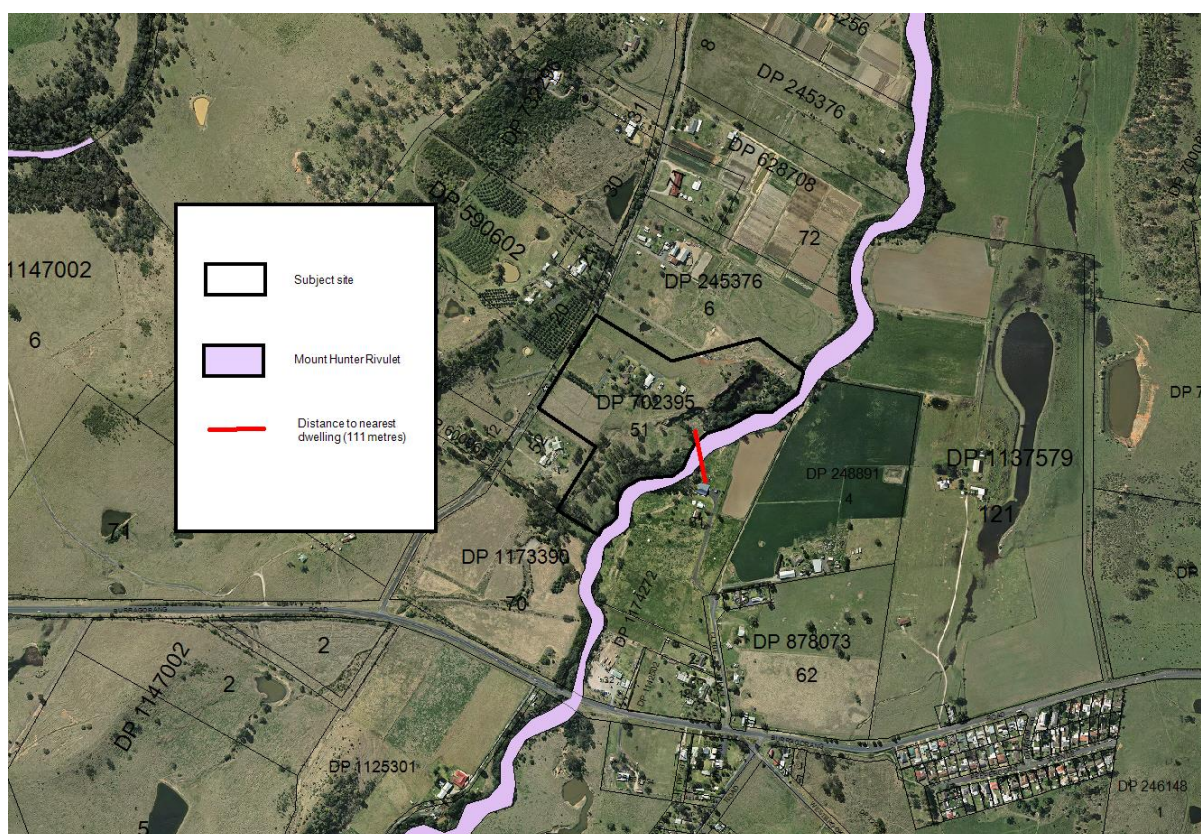
Report to the South West Sydney Regional Planning Panel

JRPP No	2014SYW033
DA No	010.2013.00000737.001
Site	Lot 51 DP 702395, No. 70 Monks Lane, Mount Hunter
Proposal	Waste Management Facility (Land Filling) and associated Depot
Applicant	Charlie Glinka

MAPS OF THE SUBJECT LAND



Map 1: Wollondilly Local Environmental Plan 2011



Map 2: Site constraints

EXECUTIVE SUMMARY

This report concerns Development Application No. 010.2013.00000737.001 for a proposed Waste Management Facility (Landfilling) and associated Depot at No. 70 Monks Lane, Mount Hunter.

The Development is a Waste Management Facility or Work which meets the requirements for Designated Development under Clause 32 of Schedule 3 to the *Environmental Planning and Assessment Regulation 2000*. The development is therefore development to be determined by the NSW Joint Regional Planning Panel (JRPP) in accordance with Schedule 4A Clause 8(c) of the *Environmental Planning and Assessment Act, 1979*.

The subject application was notified to adjoining and nearby land owners and advertised in accordance with Council's Development Control Plan 2011 and the Environmental Planning and Assessment Regulation, 2000. Three (3) submissions were received all of which objected to the development.

There have not been any disclosures of political donations made in regard to this application.

It is recommended that the application be approved subject to conditions.

CONSULTATION

The subject Development Application has been referred to the following external and internal parties for comment:

External Parties	Outcome
Roads and Maritime Services	No objections subject to conditions.
NSW Office of Water	General Terms of Approval issued.
NSW Office of Environment and Heritage	No objections subject to conditions.
NSW Department of Fisheries	No objections subject to conditions.
NSW Hawkesbury Nepean Catchment Management Authority	No response received.
Cubbitch Barta Native Title Claimants	No response received.
Internal Parties	Outcome
Development Engineer	No objections subject to conditions.
Health Officer	No objections subject to conditions.
Environment Officer	No objections subject to conditions.
Design and Flooding Engineer	No objections subject to conditions.
Heritage Adviser	No objections subject to conditions.
Contamination Assessment Officer	No objections subject to conditions.

BACKGROUND

A previous application was lodged with Council on 8 March, 2013 for a Waste Management Facility – Landfilling at the subject site. The application was reported to Council and determined at its October 2013 Council meeting. The Council Officers recommendation was that the application be approved subject to conditions; however Council resolved to refuse the application on the following grounds:

- (a) *The development would be inconsistent with the aims of Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River, as the development would have an unreasonable impact on the Hawkesbury Nepean River.*
- (b) *The development would be inconsistent with Strategy (3) “Water Quality” of Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River as the development would have an unreasonable impact on water quality in the nearby Mount Hunter Rivulet.*
- (c) *The development would be inconsistent with Strategy (6) “Flora and Fauna” of Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River as the development would have an unreasonable impact on Flora and Fauna.*
- (d) *The development would be contrary to clause 7.2 of Wollondilly Local Environmental Plan 2011 as the development would have an unsatisfactory impact on biodiversity.*
- (e) *The development would be inconsistent with clause 7.3 of Wollondilly Local Environmental Plan 2011 as the development would have an unsatisfactory impact on the water quality of receiving waters,*
- (f) *The development would be contrary to clause 7.5 of Wollondilly Local Environmental Plan 2011 as the earthworks proposed would create an unreasonable impact on the environment and amenity of the area.*
- (g) *The development would be contrary to Wollondilly Development Control Plan 2011 Volume 5 – Industrial and Infrastructure Uses (Section 3.8) objectives (a), (g) and (h).*
- (h) *The development does not comply with Wollondilly Development Control Plan 2011 Volume 5 – Industrial and Infrastructure Uses (Section 3.8 Location Control 1) in respect of the development as the works are located closer than 500 metres to the nearest property boundary and closer than 100 metres to the nearest watercourse. The variation to the control is unjustified.*
- (i) *The development does not comply with Wollondilly Development Control Plan 2011 Volume 5 – Industrial and Infrastructure Uses (Section 3.8 Noise, Odour and Litter) Controls 1, 2 and 3.*
- (j) *Insufficient information has been submitted with the application to satisfactorily demonstrate that the development would comply with the NSW Industrial Noise Policy.*
- (k) *The development would have unreasonable impacts on the amenity of adjoining lands in terms of dust.*
- (l) *The development would have an unreasonable impact on the Sydney Coastal River Flat Forest vegetation community on the site which is identified as an Endangered Ecological Community under the Threatened Species Conservation Act, 1995.*

- (m) *The development would have an unsatisfactory impact on several fauna species which have been within the area to be disturbed, including the Large Eared Pied Bat which is listed as vulnerable under the Environmental Protection and Biodiversity Conservation Act.*
- (n) *The impacts of traffic/plant noise within the site and along Monks lane are unreasonable.*
- (o) *The concentration of traffic associated with the proponent's construction activities will lead to some periods of more intense traffic than forecast in the application, i.e. traffic will not be evenly distributed over the period of operation, and insufficient information has been provided to reasonably estimate traffic levels during peak periods of site access and its impact on the road system.*
- (p) *The development would be contrary to the public interest.*

The previous application was not called up by the JRPP and was subsequently determined by Council.

PROPOSAL

1.1 Description of site and surrounding area

(a) The site

The site is a large rural allotment located in the suburb of Mount Hunter. The site is 10.12 ha in area and has frontage of 213.25 metres to Monks Lane. The site is bound by Mount Hunter Rivulet at the rear of the property.

The subject property currently contains a dwelling house and two sheds, with two existing disused quarries at the rear. The site is relatively level with the exception of that part of the site where the two quarries are located.

The site is predominantly cleared and well maintained with the exception of a portion of land at the rear which contains dense vegetation. This vegetated area sits adjacent to the rear property boundary and ranges from 50-100 metres east of the rivulet (within the property boundary of the subject land). Much of the vegetation is regrowth within the disused quarry voids.

The vegetation within the existing quarries is identified as Sydney Coastal River Flat Forest which is classed as an Endangered Ecological Community under Schedule 1 of the *Threatened Species Conservation Act, 1995* (TSC Act, 1995).

(b) The surrounds

Lands to the north, south, east and west are zoned RU2 Rural Landscape and are all used for rural residential and/or agricultural purposes. The surrounding lands within the vicinity of the site range between 7050m² and 27 hectares in area.

The rear property boundary is the Mount Hunter Rivulet which is identified as a Crown Waterway. The nearest dwelling is located at 25 Clyde Place (Lot 31 DP 1174272) which is located on the opposite side of Mount Hunter Rivulet. The dwelling on this lot is located approximately 111 metres from the works associated with the development at its closest point.

Land to the south on the corner of Burragorang Road and Monks Lane contains an item of local environmental heritage known as Ellensville Farmhouse and Dairy, while land to the north on the opposite side of Monks Lane contains a dairy and flagstones which are also listed as items of local environmental heritage.

1.2 Description of Development

The development is for a Waste Management Facility – Landfilling of two disused quarry voids and associated depot at 70 Monks Lane, Mount Hunter. The development includes the following:

- Clearing of vegetation from within the quarry voids to facilitate the Waste Management Facility;
- Filling of two (2) disused quarry voids as close as possible to the original landform with excavated natural materials over a period of up to three (3) years;
- Rehabilitation of the filled quarry voids with vegetation similar to that existing on the site;
- Construction of a hardstand area to be used as a depot for the storage of plant, equipment and material including use as a parking area for spoil trucks and site amenities.

The material used to fill the two disused quarries would be obtained from construction sites around Sydney operated by Crown Group Pty Ltd. This material would consist of Excavated Natural Materials (ENM) that will meet the definition of Virgin Excavated Natural Materials (VENM) or will otherwise comply with the chemical and other material property requirements of the Excavated Natural Material Exemption (ENM Exemption).

Prior to the placement of the excavated natural material on the site, the material would be tested to ensure that it meets the definition of VENM or ENM in accordance with the Waste Classification Guidelines and the ENM Exemption. The testing of the soil would need to be carried out at the source site where the fill is originating from and validation reports provided to Council prior to the fill being placed on the subject site. Any materials which are not VENM or which do not meet the requirements of the ENM exemption would be taken to a suitably licensed landfill facility for disposal.

The development would require the removal of existing vegetation on the site from within and immediately surrounding the two quarry voids. The works would involve the removal of four paddock trees and 0.063 (630m²) hectares of remnant vegetation from the site.

The land filling operation is proposed over a period of up to three years. The works are proposed to take place between the hours of 7:00am and 6:00pm Monday to Saturday. No works are proposed on Sundays or public holidays.

It is proposed that a total of 50,000m³ of excavated natural materials would be deposited into the voids. This equates to approximately 75,000 tonnes of excavated natural material over a period of three years. The fill would reach a maximum depth of 14 metres.

The excavated material proposed to be deposited on the site would be transported via a range of trucks – including vehicles as small as 7 tonne trucks up to truck and dog type vehicles (with a capacity of 25 tonnes per load). Based on the Traffic Impact Assessment submitted with the application it is anticipated that there would be 6-10 trucks (of varying size) per day visiting the site (12-20 truck related in/out movements).

Vehicular access into the site would be provided off Monks Lane at the southern end of the frontage. A new haulage road would be constructed on the site to facilitate access to the filling works.

A hardstand storage area is proposed to be included on the flat paddock fronting Monks Lane. The storage area is expected to be constructed of crushed sandstone with a sealed finish to prevent dust. The hardstand area would be used for the purposes of parking haulage vehicles between loads, employee parking and will contain the site amenities. It may also be used for storing construction plant and equipment. It is not expected that more than 2 heavy vehicles would occupy the hardstand area at any one time.

ASSESSMENT OF PROPOSAL

2.1 Section 79C Assessment – Matters for Consideration

2.1.1 Provisions of Relevant Environmental Planning Instruments

Protection of the Environment Operations Act 1997

Schedule 1 of the *Protection of Environment Operations Act, 1997* (POEO Act 1997) provides for activities that are Scheduled Activities and therefore require a license from the NSW Environmental Protection Authority (EPA). Under Clause 39 of Schedule 1, sites where only VENM is received from off site and applied to land are exempt from the clause and do not require a license.

Advice received from the EPA in relation to the development states the following:

“that resource recovery exemptions are granted by the EPA where the land application of a waste material is bona fide, fit for purpose reuse opportunity, rather than a means of waste disposal. Given that the applicant has outlined that the material is being used to fill “two disused quarry voids as close as possible to the original landform”, the EPA believes that the material will be used for a legitimate re use purpose and therefore can be land applied under the exemption without the need for an Environmental Protection License.”

It is therefore noted that the development does not require a licence under Schedule 1 of the POEO Act, 1997. Conditions are recommended to ensure that the requirements of the ENM exemption are complied with during the filling activities on the site.

Environmental Planning and Assessment Regulation 2000

Under Clause 32 of Schedule 3 of the *Environmental Planning and Assessment Regulation, 2000* (The Regulation), a Waste Management Facility or Works is Designated Development (d) that are located:

- (i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or*
- (vi) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, visual impacts, air pollution (including odour, smoke, fumes or dust), vermin or traffic.*

The proposal is Designated Development as it involves works within 100 metres of a waterway and also occurs within 250 metres of a dwelling not associated with the development.

An Environmental Impact Statement (EIS) has been prepared in accordance with the Director General Requirements that were issued on 17 December, 2013. The development was advertised for a period of 31 days in accordance with the requirements of the Regulation.

State Environmental Planning Policy (Infrastructure) 2007

The appropriate divisions in the SEPP (Infrastructure) 2007 (ISEPP) relating to the proposed development are addressed below:

Division 23 Waste or Resource Management Facilities

120 Definitions

In this Division:

prescribed zone means any of the following land use zones or a land use zone that is equivalent to any of those zones:

- (a) RU1 Primary Production,
- (b) RU2 Rural Landscape,
- (c) IN1 General Industrial,
- (d) IN3 Heavy Industrial,
- (e) SP1 Special Activities,
- (f) SP2 Infrastructure.

Comment: The subject land is located within a prescribed zone being RU2 Rural Landscape.

resource recovery facility means a facility for the recovery of resources from waste, including such works or activities as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from waste gases and water treatment, but not including re-manufacture of material or goods or disposal of the material by landfill or incineration.

waste disposal facility means a facility for the disposal of waste by landfill, incineration or other means, including associated works or activities such as recycling, resource recovery and other resource management activities, energy generation from waste gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

waste or resource management facility means a waste or resource transfer station, a resource recovery facility or a waste disposal facility.

waste or resource transfer station means a facility for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Comment: The proposed use is accurately characterised as a waste disposal facility as it would involve the filling of land with waste soil.

121 Development permitted with consent

(1) Development for the purpose of waste or resource management facilities, other than development referred to in subclause (2), may be carried out by any person with consent on land in a prescribed zone.

Comment: The proposed development for the purpose of a Waste Management Facility is permitted with consent. Appropriate consent has been sought.

123 Determination of development applications

(1) In determining a development application for development for the purpose of the construction, operation or maintenance of a landfill for the disposal of waste, including putrescible waste, the consent authority must take the following matters into consideration:

(a) whether there is a suitable level of recovery of waste, such as by using alternative waste treatment or the composting of food and garden waste, so that the amount of waste is minimised before it is placed in the landfill, and

Comment: The application seeks to dispose of VENM or ENM only. It is considered that the application is satisfactory in this regard.

(b) whether the development:

(i) adopts best practice landfill design and operation, and

Comment: Subject to conditions, it is considered that the development would adopt best practice methods.

(ii) reduces the long term impacts of the disposal of waste, such as greenhouse gas emissions or the offsite impact of odours, by maximising landfill gas capture and energy recovery, and

Comment: The land would be grassed at completion to prevent soil erosion. No gaseous emissions, odours or the like are expected as a result of only disposing of VENM or ENM at the facility.

(c) if the development relates to a new or expanded landfill:

(i) whether the land on which the development is located is degraded land such as a disused mine site, and

Comment: The development involves the filling of two disused quarry voids which have not been in operation for a considerable period of time. It is therefore considered that the development complies with the above clause.

(ii) whether the development is located so as to avoid land use conflicts, including whether it is consistent with any regional planning strategies or location principles included in the publication EIS Guideline: Landfilling (Department of Planning, 1996), as in force from time to time, and

Comment: There would be minimal rural land use conflict as a result of the development. Conditions of consent are recommended to ensure that the amenity of adjoining landowners is retained.

(d) whether transport links to the landfill are optimised to reduce the environmental and social impacts associated with transporting waste to the landfill.

Comment: A traffic impact assessment was lodged with the development application which identifies the traffic impact from the development. The traffic forecasts were based on truck movements associated with existing facilities which would be of a similar nature such as Eastern Creek landfill, Badgerys's Creek Landfill, Penrith Lakes Landfill and Hornsby Quarry.

The Traffic Impact Assessment identifies that a conservative measure would be 50% truck and dog (25 tonnes) and 50% 7 tonne trucks, based on the similar cases identified. This would equate to an average load of 16 tonnes (meaning that approximately 4,690 loads would be required to complete the development).

This would result in the following likely traffic forecasts for the development:

Worst case (2 years)	Best Case (3 Years)
47 Loads per week (based on 50 working weeks per year)	32 Loads per week (based on 50 working weeks per year)
9-10 trucks per day (based on 5 working days per week)	6-7 trucks per day (based on 5 working days per week)
1-2 per hour (based on an 8 hour day)	1 per hour (based on an 8 hour day)

As part of its refusal of the previous development application for the site, Council included the following reason for refusal in relation to traffic impacts on the local road network:

“The concentration of traffic associated with the proponent’s construction activities will lead to some periods of more intense traffic than forecast in the application, i.e. traffic will not be evenly distributed over the period of the operation, and insufficient information has been provided to reasonably estimate traffic levels during peak periods of site access and its impacts on the road system”.

In this regard the Traffic Impact Assessment provides the following:

“A more pragmatic assessment of the likely truck movement outcome is that of a Crown International development being in “excavation” phase.

The approximate time taken for the truck to enter the site, manoeuvre to a loading position and to be loaded with material as it is excavated then egress the site is approximately 30 minutes or slightly less. So with provision for meal break etc there would be 2 trucks departing the site per hour and similarly arriving at the landfill at the same frequency.

The likelihood of Crown International having 2 projects (or more) in Sydney in excavation phase at the same time would be extremely rare. Accordingly (except in a rare event) the peak truck movements along Burragorang Road and Monks Lane would be 4 vehicle trips per hour (2 each way). If in the unlikely event that there were two projects concurrently in excavation phase that would be 8 vehicle trips per hour. At the same time, the excavation phase only represents a minor part (less than 10%) of the overall construction process for each project so there will be significant periods of time when there will be no truck movements delivering landfill for projects and it may eventuate that the landfill process will extend for more than 3 years”.

A condition of consent is recommended requiring the development to be completed in three years to ensure that the land is restored to its natural landform within a reasonable period. It is still anticipated however that some periods will occur when truck movements are more substantial than other quieter periods. The worst case scenario of 8 vehicle trips per hour (4 each way) mentioned above is considered reasonable and not out of character with the existing volumes experienced by Burragorang Road. This number is likely to be further reduced with the use of the proposed depot on site as some trucks may rest on site for periods of time. The traffic Impact Assessment has been reviewed by Council’s Development Engineers and satisfactorily demonstrates that the existing road network could accommodate the development.

Schedule 3 – Traffic Generating Developments to be referred to Roads and Maritime Services

Under this schedule, land fill of any capacity requires a referral to the RMS. The current speed limit along Burragorang Road is 100km/hr. Monks Lane is a non-signposted Road and therefore a speed limit of 100km/hr also applies.

The Traffic Assessment submitted with the proposal recommends that the speed limit be reduced to 60km/hr along Monks Lane from between the subject site and the intersection of Burragorang Road and Monks Lane.

However, the RMS has rejected the proposed reduced speed limit on the basis *“that these speed zones need to be intuitive of the driver with the road environment and adjacent land uses informing the driver of the speed zone. The existing 100km/hr speed zone should therefore be retained”.*

The RMS also advised that there was sufficient width along Burragorang Road at the intersection with Monks Land to allow a passing vehicle to pass a standing vehicle on the left hand side which is consistent with advice from Council's Development Engineers.

State Environmental Planning Policy No.33 Hazardous and Offensive Development

The use involves filling of an existing quarry with clean soil which would be characterised as VENM or ENM. It is considered that the development would not constitute a potentially hazardous or potentially offensive industry as defined under the SEPP. A Preliminary Hazard Analysis under Clause 12 of the SEPP is therefore not required for the development and the requirements of the SEPP are satisfied.

State Environmental Planning Policy No. 44 – Koala Habitat

7 Step 1- Is the land potential koala habitat?

(1) Before a council may grant consent to an application for consent to carry out development on land to which this Part applies, it must satisfy itself whether or not the land is a potential koala habitat.

Comment: According to the SEPP, Potential Koala habitat “means areas of native vegetation where the trees of the types listed in Schedule 2 constitute at least 15% of the total number of trees in the upper or lower strata of the tree component”.

In accordance with advice from Council's Environment Officer, the site is unlikely to be potential Koala Habitat.

(3) If the council is satisfied:

- (a) that the land is not a potential koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or*
- (b) that the land is a potential koala habitat, it must comply with clause 8.*

Comment: The land is considered not to be potential koala habitat.

8 Step 2 - Is the land core koala habitat?

(1) Before a council may grant consent to an application for consent to carry out development on land to which this Part applies that it is satisfied is a potential koala habitat, it must satisfy itself whether or not the land is a core koala habitat.

Comment: According to the SEPP, Core Koala Habitat “means an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population”.

The Ecological Assessment submitted as part of the EIS did not record any sightings of breeding females and did not record any evidence of koala scats or scratches. An inspection from Council's Environment Officer also did not result in any sightings of Koala Scats or scratches. No recent sightings or historical records of Koalas on this site exist.

(3) If the council is satisfied:

- (a) that the land is not a core koala habitat, it is not prevented, because of this Policy, from granting consent to the development application, or*
- (b) that the land is a core koala habitat, it must comply with clause 9.*

Comment: It is considered that the land is not core koala habitat and this would not prevent granting of consent.

The site is considered not to be potential or core koala habitat and the requirements of SEPP 44 are complied with.

State Environmental Planning Policy No. 55 – Remediation of Land

Question		YES		NO
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	X	Proceed to Question 3		Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?		Proceed to Question 3		Assessment under SEPP 55 and DCP 46 not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> ▪ Child care facility ▪ Educational use ▪ Recreational use ▪ Health care use ▪ Place of public worship ▪ Residential use in a commercial or industrial zone 		Proceed to Question 5	X	Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?	X	Proceed to Question 5		Proposal satisfactory under SEPP 55 and DCP 46.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	X	Request contaminated site assessment		Proposal satisfactory under SEPP 55 and DCP 46.

Comments: The site has previously been used as an extractive industry (quarry). A further assessment of the proposal under Clause 7 of SEPP 55 is provided below:

(1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Comment: A site investigation was submitted as part of the EIS prepared in respect of the development.

The investigation identified that there was a small area of uncontrolled filling within the quarry areas which is limited to a small area at the base of the quarry and is typically less than 2 metres in depth.

This fill was found to generally consist of inert general refuse such as electrical cables, brick, concrete, plastic and bottles with household refuse and clothing found in only one test pit.

The investigation also identified that asbestos was found in two of the test pits. The investigation states that *“it is unlikely that this is widespread across the site as given that it was only found in two of the 15 test pits, moreover, there are no plans to excavate this area of the site, rather the plan is to fill over the area with VENM. Therefore it is unlikely to be disturbed and poses no foreseeable risk to human health provided it is appropriately managed during the future filling works”*.

The application does not propose an intended use of the site once works are completed. A condition of consent is recommended requiring a Category “A” Site Audit Statement to be forwarded to Council which establishes that the site is suitable for the following uses:

- Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry
- Residential with minimal opportunity for soil access, including units
- Commercial/industrial

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

Relevant Provisions	Comment
3. Aims of the Plan	The proposal would be consistent with the aims of the plan as the development is able to occur with minimal impacts on the quality of the river.
6. Planning Policies and Recommended Strategies	
(1) Total catchment management	Subject to conditions, the cumulative impact on the overall catchment is considered to be satisfactory.
(3) Water quality	<p>The development would involve the construction of two sediment basins within the quarry area to intercept any polluted runoff from the disturbed areas before entering the nearby waterway. Each basin has a storage volume of 500m³ (500,000L) and has been calculated on a rate per hectare of disturbed area. It is therefore important to note that the amount of disturbed area within the quarries at any one time would be limited based on the size of the sediment ponds.</p> <p>The sediment ponds and other measures which include ensuring that proposed access is sealed, forming a vegetative buffer along the riparian area to avoid sedimentation, ensuring that trucks are appropriately cleaned to avoid tracking of sediment onto roadways and ensuring that all disturbed areas are stabilised within 14 working days of the completion of contouring would ensure that the requirements of this policy are achieved.</p> <p>A sediment basin is also proposed for the hardstand area in the front paddock of the site. This basin will act as a means of sediment control and also act as a retention/detention basin for runoff from this part of the site.</p>
(4) Water quantity	During works, stormwater runoff from non-disturbed parts of the quarry would be directed around the proposed sediment basins by catch drains to ensure that standard flows are retained as much as possible.
(5) Cultural heritage	There are no items of cultural heritage on the site. Council’s Heritage Adviser has stated that the overall

Relevant Provisions	Comment
	<p>impact on cultural heritage within the area including the two heritage items on surrounding sites would be satisfactory subject to conditions.</p>
<p>(6) Flora and fauna</p>	<p>Flora</p> <p>A total of 63 flora species have been identified on the site. Two are of particular significance as follows:</p> <p>1. Alluvial Woodland</p> <p>Alluvial Woodland is a component of Sydney Coastal River Flat Forest which is an Endangered Ecological Community under the <i>Threatened Species Conservation Act, 1995</i>.</p> <p>The Ecological Assessment submitted as part of the EIS states that <i>“the development would result in the direct removal of four paddock trees and additional 0.630ha of remnant vegetation. However, 2.40ha will remain within the study area.”</i></p> <p>A 7 part test of significance for the species was carried out and it was established that the proposal was unlikely to have a significant impact on the Sydney Coastal River Flat Forest.</p> <p>No objections to the proposed removal were raised by Council's Environment Officer subject to other requirements, particularly relating to weed management and ensuring that plantings of a similar species are established within the disturbed areas upon completion of the work.</p> <p>2. Shale Plains Woodland</p> <p>Shale Plains Woodland is a component of Cumberland Plain Woodland which is listed as critically endangered under the TSC Act, 1995 and the <i>Environmental Protection and Biodiversity Conservation Act, 1999</i> (Commonwealth) (EPBC Act, 1999).</p> <p>The Ecological Assessment submitted as part of the EIS states that the proposed development <i>“would not result in the direct removal of Shale Plains Woodland within the study area”</i>.</p> <p>Satisfactory impacts on this species type are anticipated subject to mitigation measures being implemented during the works to protect this vegetation.</p> <p>Fauna</p> <p>A total of 48 fauna species have also been identified on the site, including 21 bird species, nineteen mammal species, three reptile species and five frog</p>

Relevant Provisions	Comment
	<p>species.</p> <p>Of particular importance, The ecological assessment found that impacts to foraging habitat for several bat species, including the Large eared pied bat which is listed as vulnerable” under the EPBC Act, 1999.</p> <p>An assessment of significance was carried out which established that with the implementation of mitigation measures, the proposal is unlikely to have a significant impact on these species.</p> <p>No objection was raised by Council’s Environment Officer in respect of the impacts on the species identified on the site subject to the requirements of the ecological assessment being complied with.</p>
11. Development controls	
(4) Remediation of contaminated land	<p>This section of the REP states that consent is required for remediation of land. A Category “A” Site Audit Statement is required which establishes that the site is suitable for the following uses:</p> <ul style="list-style-type: none"> • Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry • Residential with minimal opportunity for soil access, including units • Commercial/industrial <p>If the Site Audit Statement establishes that remediation is required to make the site suitable for the uses above, then further consent shall be obtained for that remediation.</p>
(7) Filling	<p>Consent for the proposed development is required under this clause. The appropriate consent for the development has been sought.</p>
(18) Waste management facilities or works	<p>Consent is required for a Waste Management Facility or work under this clause and the following considerations must be taken into account by the consent authority:</p> <p><i>(a) Any potential for groundwater contamination.</i></p> <p><u>Comment:</u> The Site Investigation submitted with the application identified that groundwater contamination from the development is unlikely.</p> <p><i>(b) The adequacy of the proposed leachate management system and surface water controls.</i></p> <p><u>Comment:</u> Leachate is considered unlikely due to the type of material being disposed. Erosion and sediment controls are proposed to manage surface water.</p> <p><i>(c) The long-term stability of the final landform and</i></p>

Relevant Provisions	Comment
	<p><i>the adequacy of the site management plan.</i></p> <p><u>Comment:</u> A condition is recommended requiring the fill on site to be compacted to not less than 95% standard compaction.</p> <p><i>(d) If extraction of material is involved in the creation or other development of the waste management site, whether the extractive operation will have an adverse impact on the river system.</i></p> <p><u>Comment:</u> Not applicable.</p>

Wollondilly Local Environmental Plan, 2011

Characterisation: Waste Management Facility and Depot
Zone of land: RU2 Rural Landscape
Permissibility: Prohibited (enabled by Infrastructure SEPP)

The Waste Management Facility is prohibited development under Wollondilly Local Environmental Plan 2011 (WLEP 2011) (however the development is permissible under the Infrastructure SEPP).

The proposed depot is permitted with consent under the provisions of WLEP 2011.

Zone objectives:

Objective	Comment
<u>RU2</u>	
<ul style="list-style-type: none"> <i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i> 	<p>The development would enable the existing disused quarries on the site to return to their existing landform.</p> <p>It is acknowledged that the depot proposed at the front of the site would not increase primary production; however, this would only be a temporary use while the filling works are being carried out. At the completion of works, the hardstand area would be removed and the site returned to its original state, at which point that part of the site would once again become fit for agricultural use.</p> <p>The development is therefore not contrary to this objective.</p>
<ul style="list-style-type: none"> <i>To maintain the rural landscape character of the land.</i> 	<p>The proposal involves filling of an existing quarry with clean soil. The re-vegetation of the filled areas upon completion of the works would return the original rural landscape character of the area. The estimated number of truck movements to and from the site would be in keeping with the rural character of the area.</p>
<ul style="list-style-type: none"> <i>To provide for a range of compatible land uses, including extensive agriculture.</i> 	<p>The filling works proposed would not significantly alter the capability of the site to be used for agricultural purposes. It is also considered that there are other parts of the</p>

Objective	Comment
	site which could still support minor agricultural uses such as extensive agriculture whilst filling works are being carried out.
• <i>To provide areas where the density of development is limited in order to maintain a separation between urban areas.</i>	The proposal would only involve the filling of land and would not increase the density of development within the area.

LEP Clauses

Clause	Comment
1.2 Aims of Plan (2) The particular aims of this Plan are as follows: (a) to provide for the management of natural resources and the protection of the natural landscape character, (b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage, (e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	 a) It is considered that subject to conditions the development would not have an unreasonable impact on the natural resources of the area, nor impact on rural landscape character. (b) No adverse impact on the landscape or aboriginal cultural heritage is anticipated from the development. (e) The development would improve the capacity of the site to be used for agricultural purposes by removing the disused quarry voids.
Part 5 Miscellaneous provisions	
5.9 Preservation of trees or vegetation	The appropriate consent for the removal of vegetation on the site has been sought as required by the clause.
5.10 Heritage conservation	Advice from Council's Heritage Advisor states that the quarry is not a heritage item and that any intact aboriginal sites would have been excavated from the ground surface when the land was quarried. No adverse impacts on surrounding heritage items are anticipated according to Council's Heritage Advisor subject to conditions. A condition is also required ensuring that DECC are notified should contact with aboriginal relics or human remains be found during earthworks.
Part 7 Additional local provisions	
7.1 Essential services	No adverse impacts on essential services such as water and sewer are anticipated.
7.2 Biodiversity protection	Sub-clause (3) provides the following in respect of Biodiversity protection: <i>"(3) Before determining a development application for land to which this clause applies, the consent authority must consider any adverse impact of the</i>

Clause	Comment
	<p><i>proposed development on the following:</i></p> <ul style="list-style-type: none"> <i>(a) native ecological communities,</i> <i>(b) the habitat of any threatened species, populations or ecological community,</i> <i>(c) regionally significant species of fauna and flora or habitat,</i> <i>(d) habitat elements providing connectivity,</i> <i>(e) water quality within drinking water catchments."</i> <p><u>Comment:</u> Conditions are recommended to ensure that the Shale Hills Woodland to the south of the site is retained. This vegetation is identified as critically endangered and is not required to be removed to allow the proposed filling works to occur.</p> <p>The removal of the 0.063ha of Alluvial Woodland on the site is considered unlikely to cause a significant impact due to the volume of species that would remain in the general locality.</p> <p>Although the development would alter a large area of land suitable for foraging by various bat species, the impact is expected to be satisfactory for the following reasons outlined in the Ecological Assessment forming part of the EIS:</p> <ul style="list-style-type: none"> ▪ foraging habitat would remain adjacent to the site; ▪ these species forage widely; ▪ no roosting habitat would be impacted; ▪ the proposal is unlikely to put the species at risk of extinction. <p>No objections were raised by Council's Environment Officer in respect of threatened species, populations, or ecological communities.</p>
<p>7.3 Water protection</p>	<p>Sub-clause (3) provides the following in respect of Water Protection:</p> <p><i>"Before determining a development application for development on land to which this clause applies, the consent authority must consider any adverse impact of the proposed development on the following:</i></p> <ul style="list-style-type: none"> <i>▪ the water quality of receiving waters,</i> <i>▪ the natural flow regime,</i> <i>▪ the natural flow paths of waterways,</i> <i>▪ the stability of the bed, shore and banks of waterways,</i> <i>▪ the flows, capacity and quality of groundwater systems."</i> <p><u>Comment:</u> The impact of the proposal on water quality of receiving waters would be satisfactory provided that the Sediment Ponds are constructed</p>

Clause	Comment
	<p>in accordance with the Soil and Water Management Plan lodged with the proposal. The natural flow regime of the Mount Hunter Rivulet and the natural flow path of the waterway would be retained. The stability of the bed and bank of the Mount Hunter Rivulet would be retained. Groundwater systems are unlikely to be impacted.</p>
<p>7.4 Flood planning</p>	<p>Sub clause (3) provides the following in respect of Flood Planning:</p> <p><i>“Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:</i></p> <ul style="list-style-type: none"> ▪ <i>is compatible with the flood hazard of the land, and</i> ▪ <i>is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and</i> ▪ <i>incorporates appropriate measures to manage risk to life from flood, and</i> ▪ <i>is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and</i> ▪ <i>is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.”</i> <p><u>Comment:</u> A previous flood study carried out for the area found that the 1% AEP rainfall event would see flows retrained within the rivulet. It is therefore considered that the development would be unlikely to contribute to the loss of flood storage or cause adverse environmental impacts in terms of flooding. No objections were raised from Council's Design Engineer on the basis of flooding.</p>
<p>7.5 Earthworks</p>	<p>Sub-clause (3) provides the following in respect of earthworks:</p> <p><i>Before granting development consent for earthworks, the consent authority must consider the following matters:</i></p> <ul style="list-style-type: none"> ▪ <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i> ▪ <i>the effect of the proposed development on the likely future use or redevelopment of the land,</i> ▪ <i>the quality of the fill or the soil to be excavated, or both,</i> ▪ <i>the effect of the proposed development on the existing and likely amenity of adjoining properties,</i> ▪ <i>the source of any fill material and the destination of any excavated material,</i>

Clause	Comment
	<ul style="list-style-type: none"> ▪ <i>the likelihood of disturbing relics,</i> ▪ <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i> <p><u>Comment:</u> Conditions are recommended to ensure that the pattern of filling is carried out in a manner which would not disrupt drainage patterns in the locality. The fill on site would be VENM or ENM only and are not expected to cause an impact on the amenity of adjoining lands subject to conditions. The proposal would improve the future usability of the property by eliminating the existing quarry voids and the amenity of adjoining properties would be retained subject to conditions.</p>

Any Draft Environmental Planning Instrument

None Applicable

Any Development Control Plan

DCP Volume	Relevance
Volume 1 – General	X
Volume 2 – Primary agricultural and Rural uses	
Volume 3 – Residential and Tourist uses	
Volume 4 – Commercial and Community uses	
Volume 5 – Industrial and Infrastructure uses	X
Volume 6 – Camden Park	
Volume 7 – Wilton	

Volume 1 – General

Relevant Provisions	Comment
1.2 Aims of Plan	The proposal is consistent with the aims of the plan.
1.11 Request for Variation	A variation has been requested to Development Control Plan Volume 5 – Industrial and Infrastructure Uses, Section 3.8 (Control 1) as discussed below. It is recommended that the variation be supported.
2.1 Advertising and Notification of Development Proposals	The proposal was advertised in accordance with the requirements of the plan.
2.2 Heritage Conservation	The development occurs within the vicinity of two heritage items. Council's Heritage Advisor has advised that no adverse impact on heritage would occur from the development subject to conditions.
2.3 Tree and vegetation provisions	The proposal involves the removal of vegetation from the site and consent for that removal has been sought.
2.4 Landscaping	A condition is recommended requiring a landscape and re-vegetation management plan to be submitted to Council for approval prior to commencement of works which demonstrates that the fill area would be appropriately re-planted with recommended species as listed in Council's DCP. Suitable landscaping would also have to be provided

Relevant Provisions	Comment
	to the area between the front property boundary at the proposed depot area so as to screen the depot area from view.
2.5 Biodiversity	No adverse impact on biodiversity is anticipated subject to conditions.
2.6 Water	Works are proposed within 40 metres of the Mount Hunter Rivulet and General Terms of Approval have been issued by the NSW Office of Water in this regard. The impact of the development on the Mount Hunter Rivulet and other receiving waters is considered to be satisfactory provided that the measures in the Soil and Water Management Plan are complied with.
2.7 Flood affected land	Satisfactory as discussed above under Clause 7.4 of LEP 2011.
2.8 Bushfire prone land	Not applicable.
2.9 Contaminated land and Land filling	<p>Under this control, the following shall be considered:</p> <p><i>1. Potential for site contamination and implications for future land uses. A validation report may be required to demonstrate that the imported fill material is suitable for any proposed use.</i></p> <p><u>Comment:</u> Conditions are recommended requiring validation certificates to be formulated for each truck load of fill brought to the site and be provided to Council on request. The person having the benefit of the consent would be required to detail the methods used to prevent contaminated material from entering the site as part of a Site Security and Fill Management Plan to be submitted for approval prior to commencement of works.</p> <p><i>2. Use of excavated natural material (VENM) or virgin excavated natural material (VENM) may be required.</i></p> <p><u>Comment:</u> The development proposes only the disposal of VENM or ENM. Conditions recommended in this regard.</p> <p><i>3. Must comply with Council's Design Specification.</i></p> <p><u>Comment:</u> To be conditioned accordingly.</p> <p><i>4. Where contamination is, or may be present, Council may require further detailed investigations to be undertaken in accordance with the requirements of this Development Control Plan.</i></p> <p><u>Comment:</u> The site investigation carried out as part of the development identified that some areas of contamination are present on the site, typically consisting of inert general refuse such as electrical cables, bricks, concrete, plastic and bottles. The investigation however, concluded that the conditions do not pose a threat to human health or the environment.</p> <p><i>5. A geotechnical report prepared by a suitably qualified practicing Geotechnical Engineer will be required if Council considers that geotechnical difficulties (i.e.</i></p>

Relevant Provisions	Comment
	<p><i>landslip) may occur.</i></p> <p><u>Comment:</u> Conditions are recommended requiring that a geotechnical engineer provide certification which confirms that the fill to be disposed of on-site is compacted to the required level (being 95% standard compaction).</p>
2.10 Land slip and subsidence	The land is not subject to land slip or within a Mine Subsidence District.
2.11 Development in Sydney's Drinking Water Catchments	Not applicable.
2.12 Site waste minimisation and management	The site is proposed to be used to dispose of clean fill. No additional waste is expected to be generated.
2.13 Salinity	Not applicable.

Volume 5 – Industrial and Infrastructure uses

Relevant Provisions	Comment
3.2 Rural industry and Depots (including Transport depots and Truck depots)	
<p><u>Location and building setbacks</u></p> <p>1. Buildings used for rural industries must not to be located in visually prominent locations such as ridgelines and must not be erected on slopes in excess of 15 degrees.</p> <p>2. Certain industries may require a more significant setback to be determined by the assessing officer.</p> <p>3. Where industries are proposed in rural zones the minimum requirements are (as per igloos).</p> <p><u>Building colour</u></p> <p>1. The colour of a building used for the purpose of a rural industry must match or blend with the colour of existing structures and buildings on the property and must be in keeping with</p>	<p>1. Workers amenities are proposed which would be within the area nominated on the plan. The workers amenities would be not contravene this control.</p> <p>2. The setbacks of the proposed works are dictated by the location of the existing quarries. The setbacks of the development are considered appropriate and the application has demonstrated that the proximity of the development to lot boundaries would not be unreasonable.</p> <p>3. The proposed development complies with the relevant setbacks under this control. A condition is recommended requiring a 20 metre setback for the depot area at the front of the site.</p> <p>1. Only minor buildings such as amenities would be required for the development. Conditions recommended.</p>

Relevant Provisions	Comment
<p>the natural features of the surrounding environment.</p> <p><u>Parking and Access</u></p> <p>1. Site access roads in rural areas may need to be sealed depending on the nature of the proposal.</p>	<p>1. Conditions are recommended requiring the hardstand area associated with the proposed depot to be constructed with a two coat bitumen seal to accommodate the intensity of the use and anticipated traffic movements.</p> <p>The internal access road is also required to be a two coat seal from Monks Lane to the southern quarry to accommodate the expected traffic movements and improve amenity to adjoining lands.</p> <p>The remainder of the internal access road shall be all weather gravel. It is considered that this section of the road would not have to be sealed as it is substantially further from adjoining residences and would accommodate a lesser volume of overall traffic.</p>
<p>3.8 Waste or Resource management facilities</p>	
<p>Location</p> <p>1. The waste operations area of a landfill or organic waste processing facility must be sited:</p> <ul style="list-style-type: none"> • at least 500 metres from the boundaries of the allotment • at least 500 metres from the nearest dwelling, shop, office, public institution or other building designed primarily for human occupation • at least 250 metres from a public open space reserve, forest reserve, national park, conservation zone or policy area • at least 100 metres from the nearest surface water (whether permanent or intermittent and • entirely outside of any 1 in 100 year average 	<p>1. The development does not comply with the subject control as it is within 500 metres of the allotment boundary and also within 500 metres of the nearest dwelling. The applicant has submitted the following reasons in support of the proposed variation:</p> <p><i>“The location of the quarry dictates the filling activities. The rehabilitation of the disused quarry involves only VENM and ENM, materials which are not incongruous with the surrounding rural and residential land uses. Ultimately, the site would be returned to a landscape entirely consistent with the surrounding rural and residential land uses. It is considered unreasonable to refuse the DA for landfilling of the disused quarry on the basis of its location. If this were the case then it would mean that the modified and unnatural landscape of the disused quarry is a preferred land use outcome to the rehabilitated and revegetated landscape that is proposed at completion of filling activities”.</i></p> <p>It is considered that the proposed variation should be supported. It is agreed that the filling activities are dictated in this case by the existing quarry voids and would return the land to a landform that would likely have existed prior to the quarries being developed on the site. The application has demonstrated that subject to conditions, the proposal, despite being within 500 metres of the property boundary, within 500 metres of a dwelling and within 100 metres of the nearest surface water that the impacts are able to be controlled and would be satisfactory, subject to conditions.</p>

Relevant Provisions	Comment
<p>recurrence interval flood event area</p> <p>2. The waste operations area of a landfill must not be located on land that is subject to land slipping and/or with ground slopes greater than 10%, except where the site incorporates a disused quarry.</p> <p>Storage</p> <p>1. Adequate storage for waste materials must be provided on site. Ideally waste storage containers must be kept inside a building or buildings.</p> <p>3. All waste storage areas must be screened from view from any other adjoining residential or rural zoned property or public place.</p> <p>Noise/Odour/Litter</p> <p>1. Waste management facilities must be located and designed to minimise adverse impacts on both the site and surrounding areas from the generation of surface water and groundwater pollution, traffic, noise, odours, dust, vermin, weeds, litter, gas and visual impact</p> <p>2. Separation and/or noise attenuation must be used to ensure noise generation associated with the waste management operation does not unreasonably interfere with the amenity of sensitive land uses.</p> <p>3. The development must</p>	<p>2. The site is not identified as an area which is subject to land slip. The filling would occur on a slope of greater than 10%, however, the development involves filling of a disused quarry and is therefore not contrary to the control.</p> <p>1. The development proposes the disposal of clean soil only. The requirement for storage containers on site is considered not to be necessary as no waste will be generated on site for removal.</p> <p>3. A small portion of the site where filling would take place would be visible from adjoining lands. The land would be suitable grassed upon completion and it is considered that it would not cause an unreasonable visual impact.</p> <p>1. Satisfactory subject to conditions.</p> <p>2. The Noise Impact Assessment has identified that subject to a number of measures the development would comply with the requirements of the Industrial Noise Policy. The measures include the construction of a screen between the development and the residence to the south west of the site and an earth berm between the development and the south east of the site. The noise assessment report has been reviewed by Council's Environmental Health Officer and no objections were raised. Further general operational measures to reduce noise from the site would need to be detailed in a noise management plan to be submitted prior to commencement of operations.</p> <p>3. A Noise Impact Assessment was submitted in respect of</p>

Relevant Provisions	Comment
<p>comply with the NSW Industrial Noise Policy.</p>	<p>the development application which was reviewed by Council's Environmental Health Officer and considered to be satisfactory subject to conditions.</p> <p>The noise impact assessment identifies two potentially affected residential receivers from the development, being the property immediately to the south east and the property immediately to the west of the site.</p> <p>Unattended noise monitoring was conducted at the site and noise modelling was carried out based on the following assumptions:</p> <ul style="list-style-type: none"> • The facility is only operational during daytime hours; • There will be one truck movement in and one truck movement out of the facility within any given 15 minute period; • The equipment will be required to be used to unload and move the soil within the quarry by up to 2 backhoes/excavators. <p>Intrusive Noise Criteria</p> <p>Background level + 5 dBA for any 15 minute period. The measured background ambient noise level for the locality was 35dBA. The day time intrusive noise criterion was therefore 40dBA.</p> <p>Amenity Noise Criteria</p> <p>The Industrial Noise Policy sets acceptable amenity noise criteria for rural areas of 50dBA.</p> <p>Subject to a number of recommendations identified it is expected that the development would comply with the Intrusive Noise Criteria of 40dBA. A Noise emission prediction model was included in the noise assessment which demonstrates compliance with the intrusive noise criteria at the subject lot boundaries.</p> <p>A Construction Noise Management Plan has been provided which demonstrates suitable measures to ensure that the development complies with the maximum noise levels specified.</p> <p>The hours of operation are typically daytime hours and are considered appropriate in minimising noise, however, it is recommended that operations on Saturdays be restricted to between 8:00am and 1:00pm to ensure that any noise impact is reduced and amenity is retained. This is consistent with Council's practice for other similar proposals.</p>

Relevant Provisions	Comment
<p>Drainage</p> <p>1. Sufficient area must be provided within the waste operations area for the:</p> <ul style="list-style-type: none"> • maximum expected volume of material on the site at any one time • containment of potential groundwater and surface water contaminants • diversion of clean stormwater away from the waste and potentially contaminated areas <p>Access</p> <p>1. Waste management sites must be accessed by appropriately constructed and maintained roads.</p> <p>2. Chain wire mesh must be erected on the perimeter of a waste management facility to prevent access other than at entry points.</p> <p>3. Plant, equipment or activities that could cause a potential hazard to the public must be enclosed by a security fence.</p>	<p>1. All fill would be disposed of within the existing quarry voids. It is therefore considered that the waste operations area has capacity of the maximum volume of fill, without impacting on drainage from the site.</p> <p>Groundwater contaminants are unlikely as the development involves disposal only of clean fill. The two sedimentation ponds and other stormwater management devices are considered adequate in intercepting surface water contaminants.</p> <p>Stormwater runoff from the non-disturbed part of the operations area would be bypassed around the sedimentation ponds by catch drains. Details of these would be required to be shown on engineering design plans prior to commencement of works. The plans would need to demonstrate that the catch drains do not pass over disturbed areas at any point.</p> <p>1. An appropriate access road to the filling area is proposed. The development proposes an internal access road to the quarries. It is recommended that the internal access road from Monks Lane to access road #2 be two coat bitumen sealed in order to reduce the impact of dust on the land and to the south being Lot 52 DP 702395. The surface from access #2 to the end of the proposed road (to facilitate filling of the northern quarry) is to be of all-weather gravel standard. The requirements to complete the southern quarry first would also assist in providing access to the northern quarry, as it would avoid the use of steep access roads which are contrary to Council's Design Code.</p> <p>2. Chain wire mesh fencing is existing around the boundary which satisfies the control.</p> <p>3. The development would not cause a potential hazard to the public and therefore no additional fencing is required.</p>

The Likely Impacts of That Development

Head of Consideration	Comment
Natural Environment	No adverse impacts anticipated subject to conditions as

Head of Consideration	Comment
	discussed throughout this report.
Built Environment	No adverse impacts anticipated.
Social Impacts	<p>No adverse social impact is anticipated from the proposal. The main social impact that would be likely to arise from the development relates to dust. In this regard an Air Quality Impact Assessment was carried out.</p> <p>The Air Quality Impact Assessment considered a worst case operating scenario by combining the highest production rate of activities proposed to take place at the site and applying conservative assumptions.</p> <p>The land filling operations are proposed to take place over the course of two to three years and fill an area of 50,000m³. The assessment has conservatively assumed a rate of work equivalent to completing the event in two (2) years (operating rate of 25,000m³ per annum).</p> <p>Dispersion modelling was carried out for the following key dust pollutants that may arise from the development:</p> <ul style="list-style-type: none"> • Total Suspended Particulates (this assessment defines total suspended particulate matter as having an upper size range of up to 30 micrometres as particles larger than 30 to 50 micrometres will settle out of the atmosphere too quickly to be regarded as air pollutants) • PM_{2.5} (particulate matter 2.5 micrometres or less in diameter) • PM₁₀ (particulate matter 10 micrometres or less in diameter) • Deposited Dust <p>To account for the existing background levels of air pollutants in ambient air, the background pollutant levels for the locality were added to the model predictions for the emissions that may arise from the project.</p> <p>The results of the modelling demonstrate that the predicted maximum 24 hour and annual average PM_{2.5}, PM₁₀, Total Suspended Particulates and Deposited Dust would be below the relevant criteria at all receptor locations.</p> <p>The Air Quality Impact Assessment outlines a number of measures to ensure dust levels are managed including sealing of the haulage road, enforcement of speed limits, covering of loads on trucks, stabilisation of disturbed areas within a suitable time period, watering down of exposed areas etc.</p> <p>The submission of a Dust Suppression and Management Plan prior to commencement of works is recommended as a condition of consent which incorporates the measures outlined in the Air Quality Impact Assessment.</p>
Economic Impacts	No adverse impacts anticipated.

The Suitability of the Site for the Development:

It is considered that the site is suitable for the development. The development would return the site to a landform similar to that which would have existed prior to the quarry activities being carried out on the land.

Any Submissions Made in Accordance With This Act or the Regulations:

The application was publicly exhibited from 5 March 2014 to 4 April, 2014. Three (3) submissions were received, all of which objected to the proposal.

The proposal was required to be re-advertised from 10 September 2014 to 10 October 2014 as it was brought to Council's attention that the advertising previously carried out was not in accordance with the requirements of the Regulation. The second advertising period generated two (2) submissions from people who had previously made submissions on the application and no new concerns were raised. The following is a summation of the issues brought to Council's attention:

Submitter Comment	Assessor Comment
A second application should not have been accepted (the application was refused at October, 2013 Council meeting).	It is acknowledged that the previous application was refused by Council at its October, 2013 Council meeting. The applicant has the right of either lodging an appeal or a new development application under the provisions of the <i>Environmental Planning and Assessment Act, 1979</i> .
The application is identical to the application lodged with Council in May, 2013 and refused by Council in October, 2013.	The application is predominantly the same as that originally submitted. The current application includes the addition of a depot for the parking of trucks etc (which will assist in reducing truck movements from the development). Additional studies have also been submitted with the subject development application in relation to noise, air quality and traffic to address reasons for refusal in the previous development application.
Has the applicant produced authority from the company to lodge the application?	Appropriate landowners consent has been provided in this regard which gives sufficient authorisation for lodgement of the application with Council.
To have a Waste Management Facility permitted on the border of what in Mount Hunter is the long established residential area is non-sense. Such a facility could be more suitably located (if approved) on land within the shire far removed from the built residential area.	The boundary of the proposed works is located in excess of 700 metres from the residential zoned land in the township of Mount Hunter. The impact on the adjoining lands to the south east and south west of the site is considered to be satisfactory subject to conditions.
The shire and other Council areas have vast areas of land far more appropriate for setting up a waste management facility.	It is considered that the site is suitable for the development, particularly as the development would result in the rehabilitation of two existing quarries with clean soil and return the land to as close as possible to its original form.
The development would have an unreasonable impact on the area in terms of smell, noise and loss of amenity to village living.	The development would involve the disposal of clean soil only and no adverse impact is anticipated in terms of smell. The Noise Impact Assessment has demonstrated that

Submitter Comment	Assessor Comment
	the development would comply with the Noise Amenity Criteria for the locality subject to conditions. Suitable measures are imposed to ensure that amenity impacts are managed during works and beyond.
The southern boundary of the quarry pit is located very close to Sickles Creek and in some parts extremely close. The quarry pit is positioned on ground higher than the creek.	<p>It is acknowledged that the southern boundary of the quarry is located close to Mount Hunter Rivulet; however, it is considered that potential impacts from the activity are able to be suitably controlled.</p> <p>For most part the filling area is on higher ground than the river, however, the construction of sediment basins for each of the quarries to be filled would enable any sediment laden runoff to be appropriately intercepted before entering the river.</p>
The pit serves as a natural habitat of local fauna including rock wallabies, frogs and snakes.	The Ecological Assessment found that no significant impact would occur on the frog species, reptiles, mammal or bird species in the area. No objections were raised from Council's Environment Officer subject to conditions to ensure that the species identified are able to relocate safely to nearby habitat.
No fauna report accompanies the application.	An assessment of fauna was carried out as part of the Ecological Assessment that forms part of the EIS and included an assessment of significance of species listed under the EPBC Act, 1999 and TSC Act, 1995.
The applicant may not use trucks to the stated tare weight.	The application states that the maximum truck size that would be used would be 40 tonnes. No objections were raised by Council's Development Engineers in this regard.
The application does not contain any information about the intended compaction of fill.	Conditions are recommended requiring that fill be compacted to 95% standard compaction. It is considered that details of how compaction would be carried out could be included in a site operation and fill management plan to be submitted for approval prior to commencement of works.
The proposal does not contain any information about dust control measures.	The application includes an air quality impact assessment which satisfactorily demonstrates that the key thresholds for dust are able to be complied with and also includes a number of control measures.
The proposal would create unnecessary noise.	The Noise Impact Assessment submitted with the proposal demonstrates that the proposal would comply with the criteria within the NSW Industrial Noise Policy. The Construction Noise Management Plan submitted with the application is considered appropriate in managing noise from the site.
The proposed activities would create additional vehicle movements.	It is acknowledged that there will be some additional truck movements associated with the development. The calculations carried

Submitter Comment	Assessor Comment
	out as part of the Traffic Impact Assessment forecast a worst case scenario of 8 vehicle trips per hour (4 each way) which is not considered to be out of character with the existing environment along Burragorang Road.
The proposed activities would create foul smells.	The development would only permit the disposal of clean soil which constitutes ENM or VENM and no adverse impact in terms of odour is anticipated in this regard.
The proposed activities could create health issues (physical and psychological) to nearby residents.	The proposal has been reviewed by Council's Environmental Health Officer and no concerns were raised regarding the capacity of the development to create adverse health impacts.
Dust and noise would interfere with the enjoyment of surrounding properties.	The application appropriately demonstrates that the relevant thresholds for dust and noise are able to be achieved subject to conditions.
The activity of the waste management facility would lessen the rural landscape and amenity of the general area.	It is considered that the development upon completion would return the land to a state that existed prior to the quarries being placed on site which would be in keeping with the rural landscape. The development would be consistent with the amenity of the area during works subject to appropriate controls.
In order to return the ground levels to those that existed prior to the use of the quarries, significantly more than 50000 cubic metres would be required.	A registered surveyor would be required to provide evidence at the completion of works demonstrating that the filling does not exceed 50,000 cubic metres.
What checks and balances are proposed to ensure that contaminated material including asbestos is not brought to the site?	Validation certificates would be required to be provided to Council on a monthly basis certifying that asbestos and other contaminants are in accordance with the ENM exemption. The validation certificate quantities would need to match those volumes identified by the registered surveyor.
Leaching of contaminants from the landfill into the creek and surrounding aquifers is a real possibility. Surrounding properties are partially reliant on bore water. Dumping of landfill in times of rain or when the pit is wet will exacerbate problems associated with leaching.	The development involves only the disposal of clean soil being VENM or ENM. The leaching of contaminants into soil is unlikely.
Mount Hunter consists of residential and farming properties. The area is devoid of any industrial or like activity and that position ought to remain.	The development is for a temporary use which would involve the rehabilitation of two existing disused quarry voids.
The plans forming part of the development show the boundary of the proposed facility encroaching upon adjoining lands for which permission has not been granted.	A survey plan was submitted with the development application and shows all works occurring inside the property boundary.
Who's to say that the establishment won't be used for other waste once the	Validation Certificates are required on a monthly basis to ensure that only VENM or

Submitter Comment	Assessor Comment
establishment is up and running.	ENM is being disposed of on site.
There is no evidence that this facility will add value to Mount Hunter or Wollondilly Shire.	Fears of a loss of value, fears that may or may not be realised (but which are accepted as genuinely and honestly held) are not matters that Council can take into account in the assessment of a development application.
There will be airborne contaminants affecting the Mount Hunter area, the local primary school, and primary producers.	Impacts on the two nearest residents are able to be controlled subject to a number of measures. No adverse impact is anticipated on the residential area of Mount Hunter or the Mount Hunter Primary School as these are both located in excess of 700m from the development site. There are also no primary producers in the vicinity which are expected to be adversely impacted.

Section 94 and 94A Assessment

Date of Lodgement	20 December, 2013
Relevant Contributions Plan	2011 Plan

Section 94A Contributions

Cost of Development	\$300,000
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Description	Levy	Applicable	Condition Required
<i>Development:</i> <i>a) for the purpose of disabled access,</i> <i>b) for the sole purpose of affordable housing,</i> <i>c) for the purpose of reducing the consumption of mains-supplied potable water, or reducing the energy consumption of a building,</i> <i>d) for the sole purpose of the adaptive reuse of an item of environmental heritage, or</i> <i>e) other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out."</i>	NONE		
Non-residential development with proposed cost between \$100,001 and \$200,000.	0.5%	No	No
Non-residential development with proposed cost exceeding \$200,000.	1.0%	Yes	Yes

The Public Interest

It is considered that the development would not have any detrimental impact to the public interest nor the interest of any government agency representative of the public interest.

NSW Farm Dams Policy

It is noted that the application proposes the addition of a weir to the existing dam to increase the capacity to 0.5ML and assist in water supply for dust suppression.

Under the NSW Farm Dams policy, the Maximum Harvestable Right Dam Capacity (MHRDC) for a property is determined by:

Property Area (hectares) x MHRDC Factor = MHRDC (mega litres)

The property has a total area of 10.12 hectares.

The property location at Razorback corresponds to a MHRDC Factor of 0.08 ML/ha.

The MHRDC therefore calculates to 10.12 (ha) x 0.08 (ML/ha) = 0.8096 megalitres

The Farm Dams Policy states that a Water Act License from the Department of Water and Energy is required for a dam whose capacity exceeds its MHRDC. The subject dam having a capacity of 0.500 megalitres does not exceed the MHRDC of 0.8096 megalitres and subsequently, a Water Act License is **not** required by the NSW Office of Water.

RECOMMENDATION

That the application be approved subject to the following conditions of consent:

1. COMPLIANCE

These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.

- (1) Development Consent is granted for a Waste Management Facility – Landfilling and associated depot at Lot: 51 DP 702395, No. 70 Monks Lane, Mount Hunter.
- (2) Development shall take place in accordance with the endorsed plans prepared by C & M Consulting Engineers with Drawing No. C211 Revision 1, Sheet 1 to 6, dated 23/01/2014 and submitted in respect of Development Application No. 010.2013.00000737.001, except where varied by the following conditions:
- (3) Development shall take place in accordance with the recommendations of the following reports:
 - The Ecological Impact Assessment prepared by Ecological Australia with Project Number 12SUTPLA-0006 dated 1 March, 2013 and submitted in respect of Development Application No. 010.2013.00000104.001;
 - The Soil and Water Management Plan prepared by C & M Consulting Engineers, Report No. R00902-S&WMP Revision A dated February, 2013 and submitted in respect of Development Application No. 010.2013.00000104.001;
 - The Water Balance Report prepared by C & M Consulting Engineers with Report No. R00902-WB Revision A dated July, 2013 and submitted in respect of Development Application No. 010.2013.00000104.001;
 - The Noise Impact Assessment prepared by Acoustic Logic with Project No. 20131118.1 Revision 3 dated 16/12/2013 and submitted in respect of Development Application No. 010.2013.00000737.001;

- The Air Quality Impact Assessment prepared by Todoroski Air Sciences Pty Ltd with Job No. 14010277 dated 10 February, 2014 and submitted in respect of Development Application No. 010.2013.00000737.001.

- (4) There shall be no importation of fill to the property unless accompanied by a validation certificate.
- (5) Only virgin excavated natural material and/or excavated natural material shall be brought to the site for disposal.

No other materials are permitted to be disposed of onsite at any time for the life of this development consent.

- (6) Prior to the release of the Construction Certificate, the persons having the benefit of the consent shall submit to Council for approval a Dust Management Plan. The plan shall implement the measures outlined in the Air Quality Impact Assessment submitted in respect of the Development Application and include, but not be limited to strategies in which the operation would:

- minimise or prevent the emission of dust from the site;
- ensure that all trafficable areas and vehicle manoeuvring areas in or out of the premises are maintained, at all times, in a condition that will minimise the generation, or emission from the premises, of wind blown or traffic generated dust;
- ensure that all vehicles entering and leaving the site and carrying a load that may generate dust are covered at all times, except during loading and unloading. Any such vehicles shall be covered and enclosed in a manner that will prevent emissions of dust from the vehicle at all times;
- ensure that all dust source surfaces are sealed;
- identify how the works would be carried out in stages to ensure that disturbed areas are kept to a minimum to prevent the onset of dust;
- identify the method and timing in which fill would be compacted after spreading to ensure that dust is minimised;
- compliance with condition 17(9) to 17(13).

- (7) Development consent for the waste management facility shall be limited to three (3) years from the commencement of works or when the desired levels as specified in the approved plans have been obtained, whichever comes first.

- (8) This consent only grants consent to the disposal of up to 50,000m³ of virgin excavated natural material and/or excavated natural material onsite.

- (9) Prior to the commencement of any works on the site, the person having the benefit of this consent shall provide a site security and fill management plan to Council for approval. This plan shall include, at a minimum and to the satisfaction of Council:

- Details of how the site would be secured and be monitored to prevent illegal dumping during the filling operations;
- Details of (including the names, relevant contact details, and qualifications) of a registered surveyor and environmental engineer/scientist who will be monitoring the validation reports of the fill to be imported for volume (in the case of the surveyor) and quality (in the case of the environmental Scientist);
- Details of the timing and methods the surveyor will use to ensure surplus material is not imported to the land;
- Details of the timing and methods the environmental engineer/scientist will use to ensure that contaminated material would not enter the land;
- Details of how any unintended contaminated material would be identified/isolated and removed from the site;

- Details of how all fill validation reports and site surveys will be collected, stored and compiled for ease of inspection by relevant regulatory authorities.
- (10) All works authorised by this consent must be undertaken wholly in accordance with a Site Security and Fill Management Plan endorsed by Council.
- (11) Prior to the commencement of filling works being carried out on the site a category “A” Site Audit Statement shall be submitted to Council prepared by a Site Auditor accredited by the NSW Office of Environment and Heritage which demonstrates that the site is suitable for the following uses:
- Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry
 - Residential with minimal opportunity for soil access, including units
 - Commercial/industrial

Note: This consent does not authorise any remediation works. Should the site audit statement identify that remediation is required which involves physical works, then consent for that remediation shall be obtained prior to commencement of the filling works.

- (12) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
- (a) Within the footprint of an approved building, access driveway or other structure; or
 - (b) Within three (3) metres of the footprint of an approved building; or
 - (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition **Tree Clearing** has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan, 2011.

- (13) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.
- (14) Within twenty eight (28) days of the cessation of this consent the depot shall be removed.

2. INTEGRATED DEVELOPMENT

These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities:

- (1) The attached General Terms of Approval issued by the NSW Office of Water are included as conditions of this consent.
- (2) A copy of the Controlled Activity Permit issued by the NSW Office of Water is to be provided to the Principal Certifying Authority prior to the issue of any Construction Certificate for the development.

3. NOISE

These conditions have been imposed to ensure that the proposal complies with the relevant provisions of the NSW Industrial Noise Policy of the NSW Department of Environment and Climate Change and the Protection of Environment Operations Act, 1997.

- (1) The acoustic barrier and earth mound shall be installed in accordance with the requirements of the Noise Impact Assessment submitted in respect of the application prior to the commencement of any works on the site.
- (2) At three (3) months after the commencement of filling works, certification from an appropriately qualified Acoustic Engineer shall be provided to Council certifying that the operations do not exceed the Project Specific Noise Criteria specified in the Noise Impact Assessment submitted with the development application. Where these criteria are not complied with then the acoustic engineer shall provide a schedule of works required to ensure the maximum noise criteria are met. The works identified in the schedule of works for this condition, if applicable shall be completed within 28 days.
- (3) The development shall comply with the requirements of the Construction Noise Management Plan submitted with the Development Application at all times.

4. CONSTRUCTION GENERAL

These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.

- (1) Construction shall not commence, nor any earthworks or placement of site sheds, prior to the issue of a Construction Certificate by the Principal Certifying Authority.
- (2) All construction and filling works shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive) and 8:00am to 1:00pm on Saturdays. Any construction and filling works are to be prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
 - (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the *Local Government (General) Regulation 2005* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the *Local Government (General) Regulation 2005*.

Sewage Management Facility has the same meaning as it has in the *Local Government (General) Regulation 2005*.

- (4) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to completion of the development.

5. ENGINEERING & CONSTRUCTION SPECIFICATIONS

These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering design plans for the entry pipe culvert crossing, the access road and the proposed earth works (stage 1& 2), shall be submitted to the nominated Principal Certifying Authority. The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.
- (3) Where Council's Construction Specification requires that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to the Principal Certifying Authority within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.

- (4) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to the Principal Certifying Authority before the final inspection for the Certificate of Practical Completion. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- (5) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to the Principal Certifying Authority. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by the Principal Certifying Authority with the Engineering Design Plans.
- (6) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to the Principal Certifying Authority. The safety precautions are to be in accordance with the requirements of the RTA's "Traffic Control at Work Sites" manual. The plan is to be prepared and endorsed by a person with current RTA certification and provided to the Principal Certifying Authority before the issue of a Construction Certificate for development.

6. DRAINAGE/STORMWATER

These conditions have been imposed to ensure drainage/stormwater is appropriately managed.

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.

- (2) Stormwater runoff from the non-disturbed portion of the catchment outside of the operating area shall be bypassed around the proposed sediment basins by means of catch drains. Details of this shall be provided on the Engineering Design Plans.
- (3) The two sedimentation basins shall be filled in and re-vegetated at the completion of the filling operation.

7. CARPARKING/LOADING/ACCESS

These conditions have been imposed to:

(a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.

- (1) A suitable access road and hardstand depot area shall be provided in accordance with the endorsed plans that will facilitate vehicular access from Monks Lane to the earth fill site access #2 and parking of trucks and machinery. The access road shall be located within 20m of the existing driveway on the site. The access road and depot shall be generally in accordance with Council's standard Category G1 with the following variations:
 - Generally the pavement is to be a minimum of 4.0 metres wide and constructed of a minimum 200mm of crushed sandstone.
 - Table drains are to be formed where required to provide adequate drainage.
 - The road shall be two coat bitumen sealed (First coat with 14mm aggregate and second coat with 10mm aggregate) for a minimum 3.0m width.
- (2) The person having the benefit of this consent shall extend the access road from the earth fill site access #2 to the end of proposed road. The access road shall be generally in accordance with Council's standard Category G1 with the following variations:
 - Generally the pavement is to be a minimum of 4.0 metres wide and constructed of a minimum 200mm of crushed sandstone.
 - Table drains are to be formed where required to provide adequate drainage.
- (3) The person having the benefit of this consent shall remove the temporary access road and hardstand depot area and restore the vegetation upon completion of earth fill works at the end of 3 years or the completion of the development, whichever occurs first.
- (4) The maximum permissible access road grade shall be 20% (1 in 5). The maximum permissible change of grade shall be 12.5%. Any transition sections are to be a minimum of 2.0 metres.

8. PUBLIC ROADS

These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.

- (1) The applicant shall provide a pipe culvert crossing to access the proposed earth fill work area in accordance with Council's Construction Specifications. The pipe culvert crossing shall be located within 20m of the existing driveway on the site to minimise any impact on the adjoining property. Details of this shall be shown on the engineering design plans for approval prior to the issue of Construction Certificate.

Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council.

- (2) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (3) Prior to construction work commencing, a joint inspection with the contractor, person having the benefit of this consent and Council of the existing roads shall be carried out to formulate a maintenance agreement for local roads that will be affected by construction traffic. A Dilapidation report is required for the pre and post condition of the pavement in Monks Lane. Any identified road failures, repairs and maintenance shall be carried out prior to the final approved completion of the fill works.

A road maintenance bond of \$25,000 shall be provided to Council, prior to the issue of a Construction Certificate, to cover the cost of repairs to affected roads should this work not be carried out by the contractor.

9. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (5) Sedimentation Basins shall be located outside the 40m Riparian Buffer.
- (6) Operations shall be arranged to complete that portion of the works within the 40m riparian buffer to final levels as soon as practicable.
- (7) Vegetation management (restoration) of the riparian buffer shall be undertaken as soon as practicable following completion to final levels.
- (8) Trucks servicing the development shall only pass over the approved access track, the proposed depot hardstand area and the area proposed for fill operations.

10. EARTH FILL

These conditions have been imposed to ensure the safe disposal of fill:

- (1) All filling on the site shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Construction Specification by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.

- (2) The site is separated into two distinct bays. Filling shall take place in only one bay at a time. In each bay, no more than 50% of the area is to be a disturbed work site at any time. Existing filled areas waiting further fill shall be vegetated or otherwise stabilised while filling takes place elsewhere on the site.
- (3) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (4) There shall be no loss of support of any drainage easements as a result of excavation or filling within the site.
- (5) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (6) No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a Controlled Activity Permit has been issued by the NSW Office of Water.
- (7) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (8) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (9) Fill batters shall be to a maximum slope of 1 in 4.
- (10) Certification shall be provided to Council by a Registered Surveyor certifying that the development has complied with the conditions of this consent relating to the depth and extent of filling permitted on the site. The certification shall be provided within three (3) months of the completion of the development or at the end of the three (3) year period of this consent whichever comes first.

11. INSPECTIONS

These conditions have been imposed to ensure that construction works are undertaken to an approved standard.

- (1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
 - Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.
 - Prior to pouring of the road drainage culverts, when the formwork and steel is in place.
 - When roadworks have been excavated to subgrade, prior to placing of pavement.
 - During the roller test, which is to be carried out using a three point roller or approved equivalent.
 - At sealing
 - At practical completion of works.
 - Geotechnical compaction testing at the appropriate level of reporting for the fill works

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of

24 hour's notice is required for inspections where Council is the Principal Certifying Authority.

12. LANDSCAPING

These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.

- (1) A Vegetation Management Plan shall be prepared prior to commencement of works which includes measures that will provide a fully vegetated buffer zone in accordance with the riparian buffer policy of the NSW Office of Water. To avoid sedimentation of the nearby waterway, revegetation works shall be staged and completed once a specified area of land has been filled and re-profiled.
- (2) A landscape screen shall be provided along the southern and eastern side of the hardstand area with species 2 metres high to shield the hardstand area from adjoining lands and Monks Lane.

13. ENVIRONMENT – VEGETATION MANAGEMENT

These conditions have been imposed to protect Endangered Ecological Communities. Threatened Species in accordance to those Scheduled under the Threatened Species Conservation Act 1995

- (1) Prior to the commencement of works on the site, a landscaping and re-vegetation Management Plan shall be submitted to Council for approval which demonstrates that the disturbed areas on the site would be planted with a selection of the following species:
 - *Euclayptus territicornus*;
 - *Eucalyptus Molucanna*;
 - *Melauca stepheeliodes*
 - *Busaria spinosa*;
 - *Acacia Parramatta*;
 - *Acacia implexa*;
 - *Microlena stipoides*;
 - *Geranium solanderi*;
 - *Dichondra reopens*;
 - *Entolasia marginate*
- (2) The existing Cumberland Plain Woodland Species to the south of the disturbed areas shall be retained and shall not be disturbed as part of the development.
- (3) No hollow bearing trees shall be removed as part or impacted as part of the filling activity.
- (4) Coarse woody debris moved on the site shall be retained in the adjacent vegetation in order to maintain the shelter and food resource for invertebrates, reptiles and mammals.
- (4) A pre-start clearing inspection of the disturbed area shall be carried out by an ecologist prior to the issue of any Construction Certificate for the development to identify the presence of fauna in accordance with Appendix F to H of the Ecological Assessment submitted in respect of the development application. The pre-clearing survey form shall be provided to Council within 7 days of the commencement of works.

- (5) A trained wildlife handler shall be on-site to inspect the trees and attend to any animals which may be injured or require assistance during the removal of vegetation.

14. EARTH DAMS

These conditions have been imposed to ensure all works are carried out in accordance with Wollondilly Development Control Plan No. 2010 – Volume 2 (Agricultural and Rural uses).

- (1) No part of the dam or the dam embankment is to encroach within 3.0m of any property boundary.
- (2) The crest width is indicated as 3.0metres. For this crest width, the height of the dam wall is to be restricted to a maximum of 3.0metres from natural ground level. The crest is to be slightly rounded to prevent water ponding.
- (3) A minimum of 1.0m is to be established for freeboard, in accordance with Section 3.4.2 of Wollondilly Development Control Plan No. 2010 – Volume 2 (Agricultural and Rural uses).
- (4) The slope of the embankment batter is to conform to the ratio of 3H:1V for both the upstream and downstream slopes.
- (5) The dam bywash is not to direct flows onto the downstream toe.
- (6) The bywash cut batter is to have a minimum steepness of 1.5:1.
- (7) The bywash is to be excavated 200mm below the top water level and backfilled with compacted topsoil and planted with a suitable holding grass such as kikuyu or couch. No trees or shrubs are to be planted in the bywash area. The earth bywash area shall be a minimum of 6 metres in width.
- (8) Any excess water from the dam shall not have an adverse effect on neighbouring properties. All excess water is to be contained on the property which contains the dam, before meeting with a downstream watercourse.
- (9) Certification from a Registered Surveyor is to be submitted to Council verifying that the dam is wholly contained within the land within sixty (60) days of completion of works to the dam.
- (10) Certification from a Registered Surveyor is to be submitted to Council verifying that the capacity of the dam does not exceed a maximum of 500,000 litres within sixty (60) days of completion of works to the dam.
- (11) Certification by a Geotechnical Engineer shall be provided to Council within sixty (60) days of the completion of works, demonstrating that the constructed dam complies with conditions (1) to (8) above. A Registered Surveyor shall prepare work as executed plans, and a copy of all documents shall be submitted to Council for its records.

15. SECTION 94 CONTRIBUTIONS

These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.

- (1) A Section 94A Developer Contribution of \$3000 shall be paid to Council. This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2011 based on an estimated construction cost of \$300,000.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2011. The contribution is to be paid prior to the release of the Construction Certificate.

16. SERVICES

These conditions have been imposed to ensure that an adequate level of services is provided for the development:

- (1) The site shall be provided with a minimum of one (1) unisex toilet and associated wash basin prior to the commencement of filling works on the site. Porta-loos are not considered appropriate in this regard. The amenities shall be removed at the completion of the development.
- (2) The amenities provided on site shall comply with the requirements of Part F2 Volume 1 of the Building Code of Australia.
- (3) Wastewater generated by the amenities associated with the development shall be disposed of via an onsite sewage management system. This system will be subject to an Approval to Install and an Approval to Operate under Section 68 of the Local Government Act, 1993. The system shall be designed, installed and operated in accordance with the endorsed wastewater management plan submitted in respect of this development application. Filling works shall not commence on the site prior to the Principal Certifying Authority being satisfied that this system has been installed.
- (4) Written certification shall be provided to the Principal Certifying Authority indicating that the development has been satisfactorily connected to the onsite sewage management system prior to the commencement of land filling works on the site. Such certification may be provided only by Wollondilly Shire Council.
- (5) Prior to the commencement of any plumbing and/or drainage work where Wollondilly Shire Council is the appropriate regulatory authority, separate approval must be obtained under Section 68 of the Local Government Act 1993.
- (6) The amenities shall be removed from the site at the completion of the filling works and the site restored to its original state.

17. OCCUPATION & USE

These conditions have been imposed to ensure the development and associated operation is acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation:

- (1) The premises shall be maintained in a clean and tidy state at all times.
- (2) The footpaths shall be kept clear of signs, fixtures and goods at all times.
- (3) The Filling activity shall be operated in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission or discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.
- (4) Waste disposal activities shall only occur between the hours of 7am and 5pm Mondays to Fridays inclusive, and between 8am and 1pm Saturdays. No activities may occur on site associated with land filling under this consent on Sundays and Public Holidays.
- (5) The person having the benefit of this consent is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the

emission of “offensive noise” as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
 - (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
- (6) Each truck that enters the subject land in association with the waste disposal facility shall contain a validation certificate for each load of material and its quantity to ensure that an accurate record is kept and maintained and to comply with conditions that appear elsewhere in this consent.
- (7) Upon the cessation of the land filling component of this consent, the area subject of the filling shall be grassed.

Details shall be forwarded to Council for approval prior to the issue of the Construction Certificate in regards to the type of grass species to be used onsite to comply with the requirements of this condition.

- (8) Upon completion of the land filling, a registered surveyor shall prepare a survey plan to ensure that the material disposed of onsite is fully consistent with the validation certificate quantities.

(Reason: to ensure that the amount of fill material brought to the site satisfies conditions that appear elsewhere in this consent).

- (9) The loads of all trucks entering the site containing fill materials shall be covered so as to prevent dust from impacting on adjoining lands.
- (10) Stockpiles of fill contained within the work area shall be covered with a tarp or other suitable cover prior to spreading to avoid dust impacting on adjoining lands.
- (11) Disturbed areas of the fill area shall be watered on a daily basis (except on days of rain) to ensure that dust does not leave the site.
- (12) Existing vegetation shall be retained wherever possible on the site to create a wind break and intercept wind-blown dust before it leaves the site. Where it is not possible to create a vegetation buffer, a wind fence shall be constructed in accordance with NSW Managing Urban Stormwater: Soils and Construction (2004).
- (13) All disturbed areas shall be stabilised within a period of 14 days in accordance with the requirements of the Soil and Water Management Plan submitted with the development application. Suitable measures include the use of sprays to bind soil, use of jute mesh, compaction, vegetation planting, or using temporary grassing.
- (14) No major servicing of trucks, machinery or equipment shall be carried out on site.

- (15) The hardstand area at the front of the site shall be used only for the purposes of a Depot. A Depot is defined under Wollondilly Local Environmental Plan 2011 as follows:

“Depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.”

- (16) The Depot shall be used only for the storage of plans, machinery or other items used in association with the land filling operation being carried out on the site.
- (17) The movement of plant and machinery on site within the depot on site is only permitted during the hours specified in condition 17(4) above for the Waste Management Facility – Landfilling.
- (18) Dismantling or breaking up of plant, machinery or equipment shall be not be undertaken on the premises.
- (19) The hardstand depot area shall be located a minimum of 20 metres from the front property boundary.
- (20) The fencing along the southern boundary recommended by the noise assessment shall be removed within 30 days of the completion of the development.

18. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

These conditions are imposed as they are mandatory under the Act.

(1) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES

- (a) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (i) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
 - (ii) Showing the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
 - (iii) Stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (c) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

19. ADVICES

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc that require alterations shall be altered at the applicants' expense and to the satisfaction of Council and the authority concerned.

- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
- Dial before you dig (various services) 1100
 - Telstra (telephone) 1 800 810 443
 - Endeavour Energy (electricity) 131 081
 - AGL (gas) 131 245
 - Sydney Water (water & sewer) 132 092
- (3) **This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Development Services Section.**
- (4) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (5) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
 - Workers Compensation Insurance.
 - Twenty Million Dollar Public Liability Insurance.
- (6) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent.

If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.